

State DEP not taking

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By CHRIS PECK

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TRENTON — Kin-Buc Inc. will not be taken to court by the state Department of Environmental Protection for violation of its closing order, but could have its license for dumping revoked.

Beatrice Tylutki, director of Solid Waste Administration at DEP, said yesterday Kin-Buc has made corrections at its landfill on Meadow Road in Edison to comply with DEP regulations.

She also noted it has not been taking liquid waste since the state's closing order became effective Monday.

For those reasons, the DEP will not seek a court injunction to close the landfill as it had threatened if its order to completely halt business there were violated.

However, Miss Tylutki said the DEP will still seek to revoke Kin-Buc's license issued by the state regulatory agency, which would be another method of closing the landfill.

That method will take longer as a date for an administrative hearing has to be set and a hearing officer must be chosen. The hearing officer takes testimony from both sides. The DEP will give its reasons for wanting to close Kin-Buc and the landfill owners will argue why it should remain open.

Once the testimony is given, the hearing is adjourned and the officer submits his recommendation to the DEP sometime later. Miss Tylutki said the DEP will request the decision be made quickly.

She said a date for the hearing will be "announced shortly."

If Kin-Buc should begin taking chemicals again, it would be considered in violation of DEP regulations, she said, indicating that the operators could face court action again.

Some corrective measures made by Kin-Buc have been in response to citations issued by the DEP alleging the landfill allowed leachate to flow into the Raritan River and did not properly cover garbage dumped there.

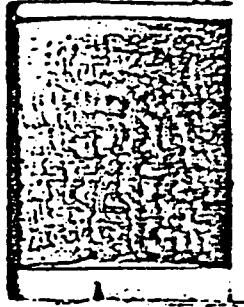
Miss Tylutki said the state threatened Kin-Buc with court action to immediately close the facility in its July 8 order, because Kin-Buc was accepting "a voluminous amount of liquid waste and violating

environmental laws." She said the court action would have provided immediate relief, but indicated Kin-Buc's decision not to accept chemicals changed the picture.

Plans for phasing out Kin-Buc's 40-acre site in lieu of opening an adjoining site for a 60-acre landfill and chemical treatment facility are still before the DEP. Miss Tylutki said review of those plans has taken a back seat to the immediate problems at Kin-Buc I, but that it remained a top priority for her staff. She said she expected a decision on those plans "as soon as possible."

Edison Mayor Thomas Paterniti said he hoped the state would close the landfill as the DEP order had stated. He noted the township is still in court with Kin-Buc on its ordinance limiting the height of the 100-foot landfill to 85 feet.

A court hearing on that ordinance was adjourned in Superior Court in light of the state action to Aug. 13 in Judge David D. Furman's court.



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